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SENSITIVE

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SUBJECT: APPEALS COURT UPHOLDS ORDER FOR PROSECUTION TO RE-OPEN  
DEATH-IN-POLICE CUSTODY INVESTIGATION

REF: 07 YEREVAN 649, 07 YEREVAN 713

(U) Sensitive but unclassified. Please protect accordingly.

11. (SBU) On July 21 Manushak Petrosian, judge of the Appeals Court, upheld the June 6 decision of the first instance court, ordering the re-launch of the investigation into the circumstances of Levon Gulian's death in police custody (refs A, B). It is still unclear whether the Prosecutor General's office and the Special Investigative Service (SIS) will pursue further appeal to the Supreme Court to avoid re-opening the case. The hearing outcome was foreshadowed early in the session, as Judge Petrosian grilled the SIS representative (who was in charge of, and who closed, the Gulian case) with questions about inconsistencies in the actions of the law-enforcement bodies and investigation gaps.

12. (SBU) COMMENT: It is interesting to see the courts standing up to prosecutors and SIS on this, and not entirely clear to us why this has been so twice in a row now (with the original court and now the appeals court). It is encouraging that the courts are refusing to let the PG and SIS off the hook on dropping a case that it seems clearly they do not want to investigate properly -- no doubt because they do not want to uncover the police misconduct that probably underlies this tragic death.

PENNINGTON